(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO. 784 OF 2004

IN

FIRST APPEAL NO. 20 OF 2003

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A. F. Diniz, Advocate for the Applicant.

Mr. E. Afonso, Advocate for the Respondents.

CORAM : A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE : 18TH JANUARY, 2005.

P.C.:-

Heard Mr. A. F. Diniz, learned Counsel for the Applicant and Mr. E. Afonso, learned Counsel for the Respondents.

By this application, the Applicant seeks withdrawal of an amount of Rs.19,55,195/- along with proportionate interest accrued thereon. The Appeal filed by the

Respondents was partly allowed and the rate of compensation was reduced from Rs.100/- to Rs.81/- per sq. meter. According to the Applicant, an amount of Rs.19,55,195/- out of the total amount of Rs.22,29,521/- is due to the Applicant in terms of the Award passed by this Court.

The learned Counsel for the Respondents submitted earlier that the Respondents were contemplating the filing of Special Leave Petition before the Apex Court and by Order dated 21-12-2004 it was made clear that in the event the Respondents failed to produce any proof regarding the filing of Special Leave Petition before the Apex Court by the next date i.e. today, the application for withdrawal of the amount filed by the Applicant will be heard and decided without any further adjournment.

Mr. E. Afonso, the learned Counsel for the Respondents states that he is not in a position to produce any document to prove that any Special Leave Petition has been filed before the Apex Court against Judgment and Award passed by this Court.

In view of Order dated 21-12-2004, we are not inclined to grant any further time to the Respondents. Accordingly, the application filed by the Applicant is allowed. The amount of Rs.19,55,195/- along with the interest accrued thereon is ordered to be paid to the Applicant. The balance amount of Rs.2,74,326/- along with the interest thereon is ordered to be paid to the Respondents. The cheque in respect of the amount due to the Respondents will be drawn in favour of Konkan Railway Corporation

Limited.

The application stands disposed of on the above terms.

A. P. LAVANDE, J.

N. A. BRITTO, J.

RD.